

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, OCTOBER 12, 2004
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:12 a.m. Mayor Murphy was presented an award by the Convention Center Corporation and San Diego Convention and Visitors Bureau recognizing San Diego as the Best City in North America for Conventions and Meetings.

Council Members Peters and Zucchet presented a special award from the American Public Works Association to the Engineering and Capital Projects Department for projects in 2004.

The meeting was recessed by Mayor Murphy at 11:24 a.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 11:36 a.m. with Council Member Inzunza not present and District Four vacant. Mayor Murphy recessed the meeting at 12:07 p.m. for the noon recess and to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:05 p.m. Mayor Murphy recessed the meeting at 2:07 p.m. to convene the Redevelopment Agency. Mayor Murphy reconvened the regular meeting at 2:24 p.m. with Council Member Inzunza not present and District 4 vacant. Mayor Murphy recessed the meeting at 2:26 p.m. to reconvene the Redevelopment Agency. Mayor Murphy reconvened the regular meeting at 2:36 p.m. with Council Member Inzunza not present and District 4 vacant. Mayor Murphy adjourned the meeting at 2:44 p.m. into Closed Session in the twelfth floor Committee Room to discuss existing and pending litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) District 4-Vacant
- (5) Council Member Maienschein-present

- (6) Council Member Frye-present
 - (7) Council Member Madaffer-present
 - (8) Council Member Inzunza-not present
- Clerk-Abdelnour/Maland (er/ek)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) District 4-Vacant
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-not present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell commented on the importance of prayer.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:32 a.m. – 10:35 a.m.)

PUBLIC COMMENT-2:

Al Strohlien commented on the alcohol consumption and trash generated by the Fourth of July celebration in Mission Beach.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:35 a.m. – 10:38 a.m.)

PUBLIC COMMENT-3:

Noel Nuedeck commented on universal design for new housing units.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:40 a.m.)

PUBLIC COMMENT-4:

Jarvis Ross commented on the City's financial matters.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:40 a.m. – 10:44 a.m.)

PUBLIC COMMENT-5:

Michael Sprague commented on City Heights' PAC elections.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:44 a.m. – 10:45 a.m.)

PUBLIC COMMENT-6:

Phil Hart commented on the City's finances.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:45 a.m. – 10:48 a.m.)

PUBLIC COMMENT-7:

Ian Trowbridge commented on expenses for executive seminars.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:48 a.m. – 10:52 a.m.)

PUBLIC COMMENT-8:

Daniel Beeman commented on the timing of the Council recess and the problems facing the City.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:52 a.m. – 10:55 a.m.)

PUBLIC COMMENT-9:

John McNab commented on the Naval Training Center.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:55 a.m. – 10:58 a.m.)

PUBLIC COMMENT-10:

Joe Yeager commented on his boat which was anchored in Mission Bay.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:58 a.m. – 11:01 a.m.)

PUBLIC COMMENT-11:

Sandy Summers commented on domestic terrorism.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:01 a.m. – 11:05 a.m.)

PUBLIC COMMENT-12:

Dan Coffey commented on conflict of interest by City Attorney candidate Michael Aguirre.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:05 a.m. – 11:07 a.m.)

PUBLIC COMMENT-13:

Larry Milligan commented on homelessness in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:07 a.m. – 11:10 a.m.)

PUBLIC COMMENT-14:

Paul Watson commented on the Marine Mammal Protection Act, the killing of seals, and the dredging project in La Jolla.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:10 a.m. – 11:14 a.m.)

PUBLIC COMMENT-15:

Gary Hill commented on lost heroes.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:14 a.m. – 11:17 a.m.)

PUBLIC COMMENT-16:

Arleen Freeman commented on the Yanti, China resolution and the persecution of Falun Gong practitioners.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:17 a.m. – 11:20 a.m.)

PUBLIC COMMENT-17:

Muhammed Abdulla commented on President Bush's resume.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:20 a.m. – 11:24 a.m.)

PUBLIC COMMENT-18:

Kath Rogers and Brian Pease commented on the destruction of City signs protecting the seals.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:37 a.m. – 11:39 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council member Atkins expressed her concern regarding homelessness and finding solutions and more resources to open inclement weather shelters. Ms. Atkins also commented on the City's expenses for seminars and the public's perception. She suggested that discussions be held publicly on how to keep staff motivated to serve the City and share information with the public.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:39 a.m. – 11:46 a.m.)

COUNCIL COMMENT-2:

Council Member Maienschein asked City Manager Ewell what steps are being taken by the San Diego Police Department in regards to schools as to possible terrorist actions. City Manager Ewell responded that the City currently works with, and coordinates with, all schools, including San Diego Unified School District who has its own police force, and other contracted agencies. Mr. Ewell stated that there are pre-plans in place for emergency responses at the locations of each school. In addition, there is a unified command with FBI task forces which would take control of a potential terrorist attack scene.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:06 p.m. – 2:06 p.m.)

CITY MANAGER COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

ITEM-330: Project Area Committee (PAC) One-Year Extension – Centre City
Redevelopment Project.

(See Centre City Development Corporation Report CCDC-04-24. Centre City
Redevelopment Project Planning Area. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-367) ADOPTED AS RESOLUTION R-299777

Extending for one-year from November 2004 to November 2005 the Centre City
Project Area Committee (PAC).

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:25 p.m. – 2:25 p.m.)

MOTION BY ZUCCHET TO ADOPT. Second by Atkins. Passed by the following
vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea,
Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-331: Pacific Highway/Consolidated Truck Crossing Bridge Demolition.

(Midway/Pacific Highway Corridor Community Planning Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-173) ADOPTED AS RESOLUTION R-299778

Authorizing the City Manager, or his designee, to accept the Program Supplement
No. M177 to Administering Agency-State Agreement for Federal-Aid Project No.
11-5004 (071) in an amount not to exceed \$554,542 for seismic demolition of
Category 1 Bridge No. 57C0219;

Authorizing the City Auditor and Comptroller to establish a special interest bearing grant fund for the federal grant pending receipt of a fully executed agreement; and

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2005 Capital Improvement Program Budget for CIP-53-037.0, Earthquake Restrainers for Bridges, by an amount not to exceed \$554,542, contingent upon receipt of a fully executed FNM-76 (Version E-76) Caltrans Funding Authorization for the purpose of demolition of the Bridge;

Authorizing the City Auditor and Comptroller to accept the transfer of funds in an amount not to exceed \$30,000 from the North Bay Redevelopment Agency into Fund No. 10252, North Bay Redevelopment CIP Contribution;

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2005 Capital Improvement Program Budget by an amount not to exceed \$30,000 in Fund No. 10252, North Bay Redevelopment CIP Contribution, CIP-53-037.0, Earthquake Restrainers for Bridges;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$702,688 from CIP-53-037.0, Earthquake Restrainers for Bridges, for the purpose of demolition of the Bridge and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Manager, or his designee, to approve plans and specifications, advertise for bids, and award the construction contract in the future to the lowest responsive bidder for the demolition of the Bridge, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Certifying that the information contained in LDR Project No. 14960 (SCH Number 2003091093) has been completed in compliance with the California Environmental Quality Act and State CEQA Guidelines; that said Mitigated Negative Declaration reflects the independent judgment of the City of San Diego as Lead Agency, stating for the record that the final Mitigated Negative Declaration has been reviewed and considered prior to approving the project; and adopting the Mitigation Monitoring, and Reporting Program;

Authorizing the City Manager, or his designee, to execute License Agreements from the U.S. Department of the Navy for entry into military base "Old Town

Campus at Space and Naval Warfare Systems Center" (SPAWAR) License No. N6871102RP02Q65 and military base "Marine Corps Recruit Depot" (MCRD) License No. N6871102RP02Q66, to provide construction access to the property (military bases) for the removal of the ramps to the Bridge;

Authorizing the City Manager, or his designee, to accept a Quitclaim deed from the U.S. Department of the Navy for interest in the Bridge (military identification: "Vehicular Bridge OT68") for the sole purpose of construction demolition;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

In 1996, the Bridge was listed by the California Department of Transportation (Caltrans) for mandatory seismic retrofit or demolition. It was given the critical rating of Category 1 (potential failure during a seismic event) and identified as a project in the Local Seismic Safety Retrofit Program (LSSRP). The final design for the demolition of the bridge was completed in 2003. (See the City Manager's Report No. CMR-03-150, dated July 23, 2003, for complete background information).

*North Bay Redevelopment Project bond proceeds in the amount of \$100,000, Fund No. 10252, North Bay Redevelopment CIP Contribution, were transferred to the Capital Improvement Program Budget No. 53-038-8 in accordance with the following documents:

Reference: City Manager Report No. CMR-03-150 and Redevelopment Agency Report No. RA-03-25; and City Council Resolution No. R-298267 and Redevelopment Agency Resolution No. R-03659, adopted on July 29, 2003.

FISCAL IMPACT:

The total project cost approved by Caltrans for eligibility for Federal (HBRR) funding is \$693,178. (See FNM-76). The federal reimbursement rate is 80% = \$554,542. The City (local agency) is responsible for the remaining 20% = \$138,636. City requirements that are not covered by the HBRR program include a water pollution control plan and archeological monitoring. The remaining budgeted funds of \$9,510 will cover these expenses.

Federal Funds	\$554,542
Redevelopment Funds	\$100,000*
Redevelopment Funds	\$ 30,000

CIP-53-037.0 Funds \$ 18,146

TOTAL BUDGETED FUNDS \$702,688

Herring/Cunningham/AT

Aud. Cert. 2500310.

NOTE: See the Redevelopment Agency Agenda of October 11, 2004, 2004 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:24 p.m. – 2:24 p.m.)

MOTION BY ZUCCHET TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-S408: Black Mountain Ranch Unit No. 9A Final Map Including Building Restricted Easement and Road Survey Vacations.

(Black Mountain Ranch Community Area. District-1.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2005-396) ADOPTED AS RESOLUTION R-299779

Approving map of Black Mountain Ranch Unit No. 9A.

CITY MANAGER SUPPORTING INFORMATION:

This 56.776-acre map proposes 31 lots consisting of 22 lots for residential development, 1 lot for general utilities and access, 3 open space lots and 6 building restricted lots. It is located in the Black Mountain Ranch Community Plan area, northeasterly of San Dieguito Road and Camino Ruiz in Council District 1. This map requires City Council approval because building restricted easements and road surveys are being vacated on the map.

This property has been previously subdivided. In connection with the original map of Black Mountain Ranch Unit No. 9, public improvements and landscaping, as shown on Engineering Drawing Nos. 30589-D and 31086-D have been approved, and a Subdivision Improvement Agreement entered into and bonds posted in the amount of \$613,846 to assure the work. During the final stages of development of the Black Mountain Ranch project, the two additional lots within Black Mountain Ranch Unit No. 9 were requested. A Substantial Conformance Review has approved the addition of these two lots, which requires the vacation of a portion of a previously granted building restricted easement. Staff has determined that this revised project is consistent with all previously approved permits, and the City Engineer has approved the map. In connection with this map, 3 open space lots totaling approximately 16.574 acres are being deeded to the City at no cost.

FISCAL IMPACT:

None.

Loveland/Halbert/GRB

FILE LOCATION: DEED F- 9823

COUNCIL ACTION: (Time duration: 2:25 p.m. – 2:25 p.m.)

MOTION BY PETERS TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-S500: San Diego Regional Fire Prevention and Emergency Preparedness Task Force Report.

(See City Manager Report CMR-04-226 and San Diego Regional Fire Prevention and Emergency Preparedness Task Force Report dated 10/7/2004.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-398) ADOPTED AS RESOLUTION R-299776

Accepting the San Diego Regional Fire Prevention and Emergency Preparedness Task Force Report dated October 7, 2004.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:46 a.m. – 12:07 p.m.)

MOTION BY MAIENSCHIEIN TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 2:44 p.m. in honor of the memory of:

Hartwell W. Ragsdale II as requested by Council District 4;
William “Bill” Bartelman as requested by Council Member Donna Frye; and
Ken Caminiti as requested by Mayor Dick Murphy.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:36 p.m. – 2:44 p.m.)